

COMOROS 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Union of the Comoros is a constitutional, multiparty republic. The country consists of three islands--Grande Comore (also called Ngazidja), Anjouan, and Moheli--and claims a fourth, Mayotte, which France administers. In 2010 voters elected a new union president as well as governors for each of the three islands. A joint international observer mission declared the elections generally free and fair, despite certain shortcomings. In 2011 former vice president Ikililou Dhoinine became president. Civilian authorities maintained effective control over the security forces.

Pervasive official corruption, particularly bribery, was among the most important human rights problems in the country. Children were subjected to various forms of abuse from violence to trafficking in persons. The government did not effectively enforce laws protecting workers' rights.

Other human rights problems included poor prison conditions, long pretrial detention, restrictions on press freedom and freedom of assembly, violence and societal discrimination against women and persons with disabilities, and criminalization of consensual same-sex sexual activity.

Impunity for violations of human rights was widespread. The government discouraged and sometimes arrested or dismissed officials implicated in such violations but rarely took steps to prosecute them.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committing an arbitrary or unlawful killing.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and laws prohibit such practices. There were no reports or documented complaints of torture or other cruel, inhuman, or degrading treatment or punishment.

Prison and Detention Center Conditions

Prison conditions remained poor. The national prison in Moroni is the largest of three prisons that serve the country. The other two are in Anjouan and Moheli. Military personnel were detained in military facilities. National or individual island authorities used various detention facilities as deemed appropriate, and detainees could be transferred from either Anjouan or Moheli to the national prison in Moroni, depending upon the nature of their offenses.

Physical Conditions: Detainees and prisoners normally received a single meal per day. They depended on family members to supplement their diet, and those with no family in the area suffered. Other common problems included limited access to potable water, inadequate sanitation, insufficient ventilation and lighting, overcrowding, and inadequate medical facilities. The Moroni prison has a capacity of 60 persons, according to International Committee of the Red Cross (ICRC) standards, but was routinely overcrowded, with 145 inmates at year's end. Of the total prison population, 103 inmates were convicted and serving sentences and the rest were in pretrial detention.

The law provides that juveniles over the age of 13 be treated as adults in the criminal justice system. According to the governmental National Commission for Human Rights, however, authorities routinely released juveniles under the age of 15 to the custody of their parents if they were not recidivists. As of September there were eight juvenile male inmates age 17 in the Moroni prison, and they were held with adults. As of October that prison also held six female prisoners, none of whom was a juvenile, in a separate section.

Administration: Prison recordkeeping was not adequate. Authorities did not use alternatives to incarceration for nonviolent offenders. Prisoners could bring complaints to the attention of authorities without censorship, but investigations or follow-up actions almost never occurred.

Independent Monitoring: The government signed an agreement in 2014 with the ICRC to permit regular monitoring of prisons by the ICRC. A local nongovernmental organization (NGO) focused on prison reform requested to visit

prisons but claimed the prosecutor general denied it access to prisons during the year.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

Six separate security forces report to five different authorities. Union government forces include the Army of National Development and the gendarmerie, both of which normally report to the president's cabinet director for defense. They also include the National Directorate of Territorial Safety, which oversees police, immigration, and customs, and reports to the minister of interior, information, and decentralization. When the gendarmerie acts as the judicial police, it reports to the minister of justice.

Each of the three islands has a local police force under the authority of its own minister of interior.

Civilian authorities maintained effective control over the civilian police, and the government has mechanisms to investigate and punish abuse and corruption. Impunity was a problem, however, and the ability of the army to investigate abuses by its personnel was uncertain.

On February 10, army personnel opened fire on protesters in the village of Mitsoudje on Grande Comore when they blocked a road as part of the "Dead Island" protest movement against the lack of electricity and potable water. Eight individuals were injured, two severely. A few days later, the army stated an investigation had been opened, but as of year's end no one had been charged or prosecuted for the shootings. The officer who led the unit responsible for the shooting was promoted a few months later.

Arrest Procedures and Treatment of Detainees

The law requires warrants for arrests as well as prosecutorial approval to detain persons longer than 24 hours, although these provisions were not always respected. A magistrate informs detainees of their rights, including the right to legal representation. The law provides for the prompt judicial determination of the

legality of detention, and detainees must be informed promptly of the charges against them, but these rights were inconsistently respected. The law prescribes a bail system under which those who post bail are not permitted to leave the country. Some detainees did not have prompt access to attorneys or their families. The law also requires the state to provide an attorney for indigent defendants, but this rarely occurred.

Rules of criminal procedure, codified as a legacy of French colonial rule, often were not followed. According to the National Commission for Human Rights, police generally respected arrest procedures for minor crimes but not always in high-profile cases.

Pretrial Detention: Lengthy pretrial detention was a problem. By law pretrial detainees can be held for only four months, although many were held longer. A magistrate or prosecutor can extend this period. Detainees routinely awaited trial for extended periods for reasons including administrative delay, case backlog, and time-consuming collection of evidence. Some extensions lasted several years. Defense attorneys occasionally protested such judicial inefficiencies.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence. Judicial inconsistency, unpredictability, inadequate salaries, and corruption were problems.

Trial Procedures

The law provides all citizens with the right to a fair trial, but lengthy delays were common. Under the legal system, which incorporates French legal codes and sharia (Islamic law), trials are open to the public and defendants are presumed innocent. Juries deliberate criminal cases. Defendants have the right to consult an attorney, and indigent local defendants have the right to counsel provided at public expense, although the latter was rarely observed. Defendants have the right to be present at their trials, access government-held evidence, question witnesses, and present witnesses and evidence on their own behalf. There is an appellate process. Defendants have the right to be informed promptly and in detail of the charges against them (with free interpretation as necessary), to adequate time and facilities to prepare a defense, and not to be compelled to testify against themselves or confess guilt.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees. Following a 2013 coup attempt, authorities detained 13 accused coup plotters. In January they were tried and sentenced to between three and 10 years in prison. Neither the government nor counsel for the accused considered these individuals to be political prisoners. The president pardoned the prisoners on December 28, and authorities released all of them.

Civil Judicial Procedures and Remedies

There is an independent but not impartial judiciary for civil matters. Court officers frequently solicited bribes from parties before adjudicating cases. Administrative remedies were rarely available, although citizens with influence had access to such alternatives. Court orders were inconsistently enforced.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Expression

The constitution and law provide for freedom of speech and expression, but there were some limitations on press freedom.

Press and Media Freedoms: The union government hampered press freedom by publicly criticizing and otherwise intimidating journalists who wrote controversial articles. Journalists on all three islands practiced self-censorship.

In February editors of the progovernment newspaper *al-Watwan* refused to publish news reports on the three-day “Dead Island” protests. Instead, they published an edition with an empty half page. After the shooting at Mitsoudje village, the newspaper modified information reported by the journalist who witnessed the event to note there were individuals injured but not mentioning that eight had been hurt.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 7 percent of individuals used the internet in 2014.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for the freedoms of assembly and association, but the government somewhat restricted these rights.

On February 9, police arrested and detained the head of the Comoran Consumers Federation, Said Mohamed Mchangama, and a member of Grande Comore's island assembly, Inoussa Hamidou, on the ground of "incitement to hatred" for their role in leading the "Dead Island" protests. They were released at the end of the protest; no charges were brought against them by year's end.

On July 12, Mchangama was arrested again for denouncing a government contract with a French company that gave the company the exclusive right to export volcanic rock from Handuli on Grande Comore. Authorities accused Mchangama of leading youths to protest against the French company. Police released Mchangama without charge after the protest.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country and foreign travel, and the government generally respected these rights. No specific constitutional or legal provisions deal with emigration and repatriation.

Protection of Refugees

Access to Asylum: According to the Office of the UN High Commissioner for Refugees (UNHCR), there were no registered refugees, returning refugees, asylum seekers, or other persons of concern in the country. The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees.

According to the National Commission for Human Rights, however, irregular migrants who entered the country illegally and usually without identity papers often made demands for political asylum. Requests for political asylum were not considered when claimants arrived by air, and they were generally repatriated to their countries of origin. Irregular migrants who illegally arrived by boat and asked for refugee status were neither given an asylum hearing nor deported but were transferred instead to UNHCR for care. In one case 15 irregular migrants arrived from Tanzania and requested asylum. After a government investigation determined they intended to immigrate to Mayotte, they were returned to Tanzania.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised that ability.

Elections and Political Participation

The constitution provides for a rotating union government presidency, in which each of the country's three islands takes a turn, once every five years, at holding a primary to select three presidential candidates for national election. The constitution thus restricts those eligible to run for the presidency to those residing on a particular island in a given election year. Aside from the rotation principle, anyone meeting constitutional requirements of age, residency, citizenship, and good moral character is free to run for office.

Recent Elections: In February legislative elections were held for the Union National Assembly (parliament), each of the three island assemblies, and--for the first time--municipal offices. These elections were considered generally free and fair. Some opposition political parties opposed the election of Abdou Ousseni of the Union for the Development of the Comoros party as chairman of the National Assembly, stating that his election did not respect the law since, although his party

won a plurality of seats, it did not hold a majority of them. The Constitutional Court ruled against their complaint and confirmed Ousseni's election.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

Corruption: Resident diplomatic, UN, and humanitarian agency workers reported petty corruption as commonplace at all levels of the civil service, despite the government's anticorruption campaign. Businesspersons reported corruption and a lack of transparency, while the World Bank's Worldwide Governance Indicators reflected that corruption was a significant problem. Corruption continued in the security forces. Citizens paid bribes to evade customs regulations, avoid arrest, and falsify police reports. Some police paid bribes to receive promotions.

The National Commission for Preventing and Fighting Corruption (CNPLC) is an independent administrative authority responsible for the implementation of national policy to combat corruption, including education and mobilization of the public. The CNPLC signed an agreement on September 22 with civil society organizations to gain their support and assistance in raising awareness of the need to combat corruption, but concrete initiatives under the agreement remained to be taken at year's end. The Justice Ministry rarely prosecuted corruption cases, and the court system often dismissed charges in opaque circumstances.

The national chief of police, charged in 2013 with selling more than 700 passports to foreigners, was released from prison after a few days' incarceration, granted bail, and allowed to travel overseas for "medical treatment." Authorities released also the police chief's alleged coconspirators. One was given a position as senior advisor to the vice president and minister of finance, to whom he is related by marriage. At year's end the national police chief's case remained under investigation. In the absence of a conviction, the Constitutional Court could not prevent him from running in the legislative elections held in February; he won a seat in the national assembly, which gives him parliamentary immunity.

Financial Disclosure: The law requires high-level officials at national and island levels to declare their assets prior to entering office. Officials subject to the law submitted written declarations on taking office. The CNPLC is charged with gathering financial disclosure statements from public officials. Failure to comply

is punishable by fines and up to two years in prison. During the year the commission reported all officials subject to the law had filed financial disclosures. The fact a disclosure has been submitted is made public, but the disclosure itself is not. The commission does not verify the accuracy of the disclosures.

Public Access to Information: No laws prevent general public access to government information, but such information was difficult to obtain. Those who had personal or working relationships with government officials, however, could generally access such information. The law provides for public access to government budget documents, but those documents also were hard to obtain.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The United Nations or Other International Bodies: The government cooperated with international organizations and permitted visits by representatives of the United Nations and other organizations to investigate or monitor human rights abuses. Domestic human rights and other NGOs used locally based UN personnel as a means of influencing the government. No reports or criticisms were issued.

Government Human Rights Bodies: Domestic NGOs largely supplanted government ministries in certain areas, including human rights.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Although the law prohibits discrimination based on race, sex, disability, language, or social status, there were reports of discrimination against women and persons with disabilities.

Women

Rape and Domestic Violence: Rape is illegal and punishable by imprisonment for five to 10 years or up to 15 years if the victim is younger than 15 years of age. A 2014 law strengthened the punishment of violence against women, including by criminalizing spousal rape. The government enforced the laws on rape with some efficacy if survivors pursued charges. From January to September, the NGO Services d'Ecoute (listening and counseling service) branch in Grande Comore recorded 63 incidents of sexual aggression against minors, but statistics were unavailable regarding convictions. There were reports that families or village

elders settled many allegations of sexual violence informally through traditional means and without recourse to the formal court system.

The law prohibits domestic violence, but police rarely imposed fines and imprisonment. No reliable data were available on the extent of the problem. The government took action to combat violence against women when it was reported, but women rarely filed official complaints. While women may seek protection from domestic violence through the courts, the extended family or the village addressed most cases. Domestic violence cases rarely entered the court system, but officials took action (usually the arrest of the spouse) when necessary.

Sexual Harassment: Sexual harassment is illegal and punishable by up to 10 years' imprisonment. Although rarely reported due to societal pressure, such harassment was nevertheless a common problem, and the government did not effectively enforce penalties against it.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence. The prevalence of modern contraceptive use among married women and girls ages 15 to 49 was approximately 16 percent in 2014, according to the UN Population Fund (UNFPA). Existing health resources (including personnel, facilities, equipment, and drugs) were inadequate, making it difficult for the government to respond to the health needs of the population. According to the Population Reference Bureau, skilled personnel attended approximately 62 percent of births. The UNFPA estimated maternal mortality in 2013 to be 350 deaths per 100,000 live births. A general lack of adolescent reproductive health information and services led to unwanted pregnancies and increased morbidity and mortality among adolescent girls. These incidents generally were concealed for social and cultural reasons. No legal barriers prevent women from receiving treatment for sexually transmitted infections, but many hesitated to do so because of social and cultural concerns.

Discrimination: The law provides for equality of persons and, in general, inheritance and property rights practices do not discriminate against, but rather favor, women. The Ministry of Health, Solidarity, and Gender Promotion is responsible for promoting women's rights. The local cultures on Grande Comore and Moheli are traditionally matrilineal, and all inheritable property is in the legal possession of women. This cultural practice leads, at times, to what might be seen as discrimination against men in the inheritance of homes and land. Men retain the

head-of-household role in society, however. Throughout the country, including on the nonmatrilineal island of Anjouan, land and homes were usually awarded to women in case of divorce or separation. Societal discrimination against women was most apparent in rural areas, where women were mostly limited to farming and child-rearing duties, with fewer opportunities for education and wage employment. In urban areas growing numbers of women were employed and generally earned wages comparable with those of men engaged in similar work. Few women held positions of responsibility in business, however, outside of elite families (see section 7.d.).

Children

Birth Registration: Any child having at least one Comoran parent is considered a citizen, regardless of where the birth takes place. Any child born in the country is considered a citizen unless both parents are foreigners, although these children may apply for citizenship if they have lived in the country for at least five years at the time of their application. An estimated 15 percent of children were not officially registered at birth, although many of these situations were regularized subsequently. No public services were withheld from children who were not officially registered.

Education: Universal education is compulsory until age 12, but no child can be prevented from attending school until the age of 14. Tuition-free education was not always available. The public education system suffered from lack of physical infrastructure, shortage of teachers, and inadequate funding for instruction. Private schools supplemented public education. When families paid private-school tuition, boys generally were more likely to attend schools than girls. An approximately equal number of girls and boys attended public schools, but fewer girls graduated.

Child Abuse: Official statistics disclosed some cases of abuse when impoverished families from the island of Grande Comore sent their children to work for wealthier families elsewhere in the hope of their obtaining better education. The NGO Services d'Ecoute, funded by the government and the UN Children's Fund (UNICEF), had offices on all three islands to provide support and counseling for abused children and their families. The NGO routinely referred child abuse cases to police for prosecution. Police investigated child abuse cases and, on Grande Comore, a Morals and Minors Brigade had primary responsibility to investigate and prosecute reported cases of child abuse. Through July the brigade investigated 79 child abuse cases. Where evidence was sufficient, authorities routinely prosecuted cases.

Early and Forced Marriage: The legal minimum age of marriage is 18 years for both boys and girls. There were no reports of marriages before that age or of forced marriages.

Sexual Exploitation of Children: The law considers unmarried persons under age 18 to be minors and prohibits their sexual exploitation, prostitution, and involvement in pornography. Consensual sex outside of marriage is illegal. Anyone convicted of facilitating child prostitution is subject to a prison term of two to five years and a fine of 150,000 to one million Comoran francs (\$345 to \$2,300). Child pornography is punishable by fines or imprisonment. There were no official statistics regarding these matters and no reports in local media of cases, prosecutions, or convictions relating to either child prostitution or child pornography.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There was no known Jewish population, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution and applicable laws, particularly the labor code, prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities (see section 7.d.). A 2014 law mandated improved access to buildings, information, communication, education, air travel, and other transportation for persons with disabilities. The government did not effectively enforce that law. Despite the absence of appropriate accommodation for children with disabilities, such children attended mainstream schools, both public and private.

Handicap Comores, the country's nongovernmental center for persons with disabilities on Grande Comore, was run by local NGO Shiwe, or Pillar. The

center, recently renovated with help from foreign donors, also imported wheelchairs and prostheses.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Consensual same-sex sexual activity is illegal and can be punished by up to five years' imprisonment and a fine of 50,000 to one million Comoran francs (\$115 to \$2,300). Authorities reported no arrests or prosecutions for same-sex sexual activity during the year. Lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons generally did not publicly reveal their sexual orientation due to societal pressure. There were no local LGBTI organizations.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions of their choice without previous authorization or excessive requirements. It provides for the right to strike but requires an eight-day notification period and a declaration of the reason for the strike its and duration. The law includes a system for resolving labor disputes. Unions have the right to bargain collectively. The government, especially the Ministries of Finance and Labor, sets wages in the large public sector and imposes a minimum wage in the small, formal private sector. The law allows unions to conduct their activities without government interference. The law does not prohibit antiunion discrimination by employers in hiring practices or other employment functions. There are no laws protecting strikers from retribution. There are no groups of workers excluded from legal protections.

The law was not applied in the settlement of private-sector disputes, but it was invoked unpredictably and inconsistently in labor disputes in the public sector. Worker organizations are independent of the government and political parties. Resources, inspections, and remediation were inadequate. Penalties for violations, including ordering employers to pay indemnities and damages to the employee, were sufficient to deter violations. Labor disputes may be brought to the attention of the Labor Tribunal.

Workers exercised their labor rights. There were no reports of instances of retribution against strikers. Common problems included failure to pay salaries regularly or on time, mostly in the government sector, and unfair and abusive

dismissal practices, such as firing employees without giving proper notice or paying the required severance pay. There were no reported incidents of antiunion discrimination during the year. There were no labor NGOs not designated as labor organizations in the country.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, with certain exceptions for obligatory military service, community service, and during accidents, fires, and disasters. During times of national emergency, the government's civil protection unit may compel persons to assist in disaster recovery or comparable efforts if it is unable to obtain sufficient voluntary assistance. In 2012 the country adopted a comprehensive labor code that prohibits forced child labor, with specific antitrafficking provisions. The code came into force in June 2014.

Resources, inspections, and remediation were inadequate. Financial penalties, however, for those who violated the law served as an effective deterrent. Penalties include from one to six months in prison and/or a fine of from 50,000 to 200,000 Comoran francs (\$115 to \$460) for those who abuse their authority to compel someone to work for them or for someone else. The penal code classifies forced labor as a form of human trafficking punishable by from five to 10 years in prison and a fine of 30 million Comoran francs (\$69,000). If trafficking involving a minor is committed, a stiffer penalty of from 10 to 20 years in prison and a fine of 30 million Comoran francs (\$69,000) are prescribed. The government did not make tangible efforts to prosecute traffickers and protect victims.

Forced child labor occurred, particularly in family-based agriculture (planting, weeding, harvesting), fishing, and domestic service (see section 7.c.). Adult forced labor did not occur.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law establishes 15 years as the minimum age for employment, with a minimum age for hazardous work of 18 years.

The government did not enforce the law. The Ministry of Labor is responsible for enforcing child labor laws but did not actively or effectively do so. There were

three labor inspectors (one for each island). These inspectors were responsible for all potential violations of labor law and did not focus only on child labor cases. Penalties for violations were not sufficient to deter violations. Regulations permit light apprentice work by children under the age of 15 as long as it does not hamper the child's schooling or physical or moral development. In accordance with the labor code, labor inspectors may require the medical examination of a child by an accredited physician to determine if the work assigned to a child is beyond his/her physical capacity. Children may not be kept in employment deemed beyond their capacity. If suitable work cannot be assigned, the contract must be nullified and all indemnities paid to the employee. The labor code also identifies hazardous work where child labor is prohibited. Child labor infractions are punishable by a fine of 30,000 to 150,000 Comoran francs (\$69 to \$345). Employing children under age 15 is punishable by a fine of from 30,000 to 50,000 Comoran francs (\$69 to \$115) and, in cases of repeated offenses, by a fine of from 75,000 to 150,000 Comoran francs (\$170 to \$345) and/or a prison sentence of from five days to one month. The penal code provides for a two to 12-month prison term and/or a fine of from 50,000 to one million Comoran francs (\$115 to \$2,300) for anyone who employs children for work defined as hazardous or dangerous. The penal code also provides for a fine of from 100,000 to five million Comoran francs (\$230 to \$11,500) and a prison sentence of five months to 10 years for anyone who employs children in one of the worst forms of child labor as defined by the labor code.

Children worked in subsistence farming, fishing, and extracting and selling marine sand. Children worked on food crops such as manioc and beans and on cash crops such as vanilla, cloves, and ylang-ylang (a flower used to make perfume). Some children worked under forced labor conditions, primarily in domestic service, as well as family-based agriculture and fishing. Additionally, some Quranic schools arranged for indigent students to receive lessons in exchange for labor, which sometimes was forced. Some families placed their children in the homes of wealthier families where they worked in exchange for food, shelter, or educational opportunities.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

Labor laws and regulations do not address discrimination regarding race, sex, gender, disability, language, sexual orientation and gender identity, HIV-positive

status or having other communicable diseases, or social status. There were no reports that such discrimination occurred in the country.

e. Acceptable Conditions of Work

A committee called the Collectif de Travail--consisting of representatives of unions, employers, and the Ministry of Labor--met periodically to propose enforcing a national minimum wage, as the existing minimum wage of 55,000 Comoran francs (\$125) per month is only a guideline. The law provides for a 40-hour workweek, except in the agriculture sector, where the maximum is set at 2,400 hours per year (equivalent to 46 hours per week). The minimum weekly rest period is set at 24 consecutive hours. The law provides for paid annual leave accumulated at the rate of 2.5 days per month of service. There are no provisions to prohibit compulsory overtime, which is left to collective bargaining. Negotiations with the banking and pharmacy sectors did not yield a collective bargaining agreement. There are no sectors or groups of workers specified as excluded from these laws. The official estimate for the poverty income level is 250,000 Comoran francs (\$575) per year.

Although the unions, national government, and local governments did not enforce the minimum wage law and workweek standards, unions had adequate influence to negotiate minimum wage rates for different skill levels for unionized jobs. These provisions applied to all workers, regardless of sector or country of origin. Unions promoted this de facto minimum wage via their ability to strike against employers.

The labor code includes a chapter on occupational safety and health requirements, but standards were seldom enforced. Fishing was considered the most hazardous work. Most fishermen were self-employed, working from their often unsafe canoes. There was no credible data on the number of occupational accidents. Workers can remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation.